

APR. 13. 2004 2:35PM

513 241 6234

OFFICIAL

RECEIVED
CENTRAL FAX CENTER

NO. 8696 P. 1

JOHN D. POFFENBERGER
BRUCE TITTEL
DONALD F. FREI
DAVID J. JOSEPHIC
DAVID S. STALLARD
J. ROBERT CHAMBERS
GREGORY J. LUNN
KURT L. GROSSMAN
CLEMENT H. LUKEN, JR.
THOMAS J. BURGER
GREGORY F. AHRENS
WAYNE L. JACOBS
KURT A. SUMME
KEVIN G. ROONEY
KEITH A. HAUP
THEODORE R. REMAKLUS
THOMAS W. HUMPHREY
SCOTT A. STINEBRUNER
DAVID H. BRINKMAN

WOOD, HERRON & EVANS, L.L.P.

2700 Carew Tower

441 Vine Street

Cincinnati, Ohio 45202-2917

Telephone: 513-241-2324

Facsimile: 513-241-6234

EMAIL: info@whepatent.com

PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968

TRUMAN A. HERRON 1935-1976

EDWARD B. EVANS 1936-1971

JOSEPH R. JORDAN
C. RICHARD EBY
DAVID E. PRITCHARD

J. DWIGHT POFFENBERGER, JR.
BEVERLY A. LYMAN, Ph.D.
KATHRYN E. SMITH
KRISTI L. DAVIDSON
P. ANDREW BLATT, Ph.D.
DAVID E. JEFFERIES
WILLIAM R. ALLEN, Ph.D.
JOHN PAUL DAVIS
DOUGLAS A. SCHOLER
BRETT A. SCHATZ
DAVID W. DORTON
G. PRABHAKAR REDDY, M.S.CH.
LARRY D. MOORE, B.S.E.E.
SARAH OTTE GRABER
WESLEY L. STRICKLAND

OF COUNSEL
THOMAS W. FLYNN

FACSIMILE COVER SHEET

If transmission is interrupted or of poor
quality, please notify us immediately by
calling 513 \ 241-2324,
Ask for sender's secretary.

TECHNICAL ADVISOR
HENRY M. LABODA, Ph.D.

TO: The Honorable Commissioner
Attention: Stephen A. Vu
Art Unit 3636

FROM: David H. Brinkman

Fax No.: (703) 872-9306

Phone: (513) 241-2324

Date: April 13, 2004

Fax: (513) 241-6234

Pages (including cover page): 3

Re: U.S. Serial No. 09/976,006 EXAMINATION AND TREATMENT CHAIR
Attorney Docket No. MIDTF-306P2

ATTACHMENTS/COMMENTS: OFFICIAL

Please deliver to Examiner Stephen A. Vu
Record of Telephonic Interview (2 pages)

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted
to the Patent and Trademark Office centralized facsimile number (703)
872-9306 on the date shown below.

April 13, 2004

APR. 13. 2004 2:35PM

513 241 6234

NO. 8696 P. 2

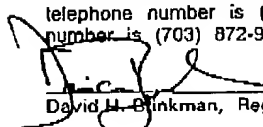
RECEIVED
CENTRAL FAX CENTER

APR 13 2004

OFFICIAL

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being deposited via facsimile to The Honorable Commissioner in the United States Patent and Trademark Office, Attention: Stephen A. Vu whose telephone number is (703) 308-1378 and fax number is (703) 872-9306 on April 13, 2004.


David H. Binkman, Reg. No. 40,532 Date 4/13/04

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Brockway et al.
Serial No.: 09/976,006
Filed: October 12, 2001
Group Art Unit: 3636
Confirmation No.: 9617
Examiner: Vu, Stephen A.
Title: EXAMINATION AND TREATMENT CHAIR
Our Ref No.: MIDTF-306P2

Cincinnati, Ohio 45202

April 13, 2004

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RECORD OF TELEPHONIC INTERVIEW

On April 12, 2004, Applicants' counsel conducted a telephonic interview with Examiner Vu and Supervisory Patent Examiner Cuomo. During the interview, claims 8, 14 and 15 were discussed in view of the Desanta, Andreasson and Krebs et al. references. It was agreed that by adding the recitation "extending

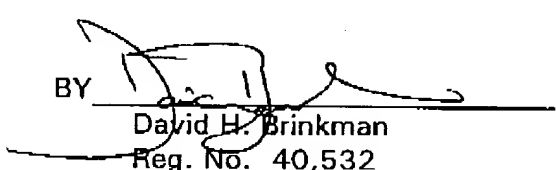
Page 1 of 2

along an outer periphery thereof" in independent claim 8 clearly defines the present invention over the prior art of record and all outstanding rejections will be withdrawn. Applicants understand from the Interview Summary that the Examiner's Amendment satisfies the requirement for Applicants to respond to the Final Rejection mailed on March 10, 2004.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

BY



David H. Brinkman
Reg. No. 40,532

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
(513) 241-2324 - Voice
(513) 421-7269 - Facsimile